

BOARD OF COUNTY COMMISSIONERS, WASHOE COUNTY, NEVADA

TUESDAY

1:30 P.M.

JANUARY 25, 2000

PRESENT:

Ted F. Short, Chairman

Jim Shaw, Vice Chairman

Joanne Bond, Commissioner

Jim Galloway, Commissioner

Pete Sferrazza, Commissioner (arr. 1:40 p.m.)

Amy Harvey, County Clerk

Katy Singlaub, County Manager

Madelyn Shipman, Legal Counsel

The Board met in regular session in the Commission Chambers of the Washoe County Administration Complex, 1001 East Ninth Street, Reno, Nevada. Following the pledge of allegiance to the flag of our Country, the Clerk called the roll and the Board conducted the following business:

00-66 AGENDA

In accordance with the Open Meeting Law, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Short ordered that the agenda for the January 25, 2000, meeting be approved with the following amendments:

Delete

Item 15, an update on the ReTRAC Project Environmental Impact Statement and possible direction to staff.

It was also noted that Item 10F, an agreement for architectural services for the Civil Protective Custody Unit, should be considered after Item 11, a recommendation to approve elements to the Civil Protective Custody Expansion project.

PUBLIC COMMENTS

Sam Dehne, local resident, expressed doubt that the One Region-One Vision concept will be successful because of the entities that are involved.

Shirley Allen described her medical problems alleging that the County Commissioners had her medical records sealed several years ago, and stated that she wants to know what is in those records because she believes something very wrong was done to her. Katy Singlaub, County Manager, asked Ms. Allen for her telephone number and advised that she would have staff contact her.

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1:40 p.m. Commissioner Sferrazza arrived at the meeting during Ms. Allen’s comments.

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Katy Singlaub, County Manager, presented a plaque to Commissioner Galloway for his service as Chairman of the Board.

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MINUTES

Following a requested correction by Commissioner Galloway, on motion by Commissioner Sferrazza, seconded by Commissioner Shaw, which motion duly carried, Chairman Short ordered that the minutes of the regular meeting of January 11, 2000, be approved as amended.

00-67 RESOLUTION - INCREASING CHANGE FUND - RECORDER

Upon recommendation of Bill Berrum, Treasurer, on motion by Commissioner Bond, seconded by Commissioner Galloway, which motion duly carried, it was ordered that the following resolution be adopted and that Chairman Short be authorized to execute on behalf of Washoe County:

WHEREAS, the Board of County Commissioners of Washoe County, pursuant to NRS 354.609, has the authority to create and fund Change Fund accounts; and

WHEREAS, the Washoe County Recorder’s Office has requested an increase in their Change Fund from \$300.00 to \$550.00 to assist in the administration of that office;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF WASHOE COUNTY, NEVADA, as follows:

1. That, pursuant to the provisions of NRS 354.609, the County Treasurer and the County Comptroller are hereby authorized and directed to take all necessary steps to establish and account for a \$250.00 increase in the Change Fund (for a total of \$550) for the Washoe County Recorder’s Office.
2. That the above mentioned additional \$250.00 will be transferred from the Washoe County Treasurer’s Commercial Bank Account.
3. That said Change Fund be used exclusively for transactions related to the Washoe County Recorder’s Office.
4. That the Washoe County Recorder shall henceforth be held accountable for the Change Fund authorized by this resolution.
5. That the County Clerk is directed to distribute copies of this resolution to the Washoe County Treasurer, Comptroller, Recorder, and the Nevada Department of Taxation.

00-68 WATER RIGHTS DEED - SIERRA PACIFIC POWER COMPANY - KENNY PIERRE

Upon recommendation of John Collins, Manager, Utility Services Manager, through Ed Schmidt, Water Resources Director, on motion by Commissioner Bond, seconded by Commissioner Galloway, which motion duly carried, it was ordered that the following actions be taken regarding Kenny Pierre's residence, APN 051-132-15:

1. The Water Rights Deed between Sierra Pacific Power Company, as Grantor, and Washoe County, as Grantee, for 1.12 acre feet of surface water rights from a portion of Claim 505, further changed by Application 65772, be approved and Chairman Short be authorized to execute;
2. The Utility Services Division Manager be directed to record the Water Rights Deed with the County Recorder.

00-69 WATER RIGHTS DEED - LAKESIDE RANCH, LLC - WATER SALE AGREEMENT - SIERRA PACIFIC POWER COMPANY

Upon recommendation of John Collins, Manager, Utility Services Manager, through Ed Schmidt, Water Resources Director, on motion by Commissioner Bond, seconded by Commissioner Galloway, which motion duly carried, it was ordered that the following actions be taken regarding Lakeside Ranch Estates:

1. The Water Rights Deed for 6.65 acre-feet of surface water rights from a portion of Claim 179 and 5.98 acre-feet of surface water rights from a portion of Claim 208½ for a total duty of 12.63 acre-feet between Lakeside Ranch, LLC, as Grantor, and Washoe County, as Grantee, be approved. Claims 179 and 208½ are further changed by Application 65781.
2. The corresponding Water Sale Agreement between Sierra Pacific Power Company and Washoe County for a total of 12.63 acre-feet of surface water rights be approved.
3. Chairman Short be authorized to execute the Water Rights Deed and Water Sale Agreement.
4. The Utility Services Division Manager be directed to record the Water Rights Deed and the Water Sale Agreement with the County Recorder.

00-70 EMERGENCY REPAIR - TRAFFIC SIGNAL - 7TH & SUN VALLEY DRIVE - ENGINEERING

Upon recommendation of Clara Lawson, Registered Engineer, through Dave Roundtree, Public Works Director, on motion by Commissioner Bond, seconded by Commissioner Galloway, which motion duly carried, Chairman Short ordered that the action of the Engineering Office in execution of a purchase order in the amount of \$55,810.00 for repair of the traffic signal at 7th Avenue and Sun Valley Drive be approved. It was noted that the County Manager approved the emergency repair following the traffic signal being hit, and that the motorist is responsible for these repairs.

00-71 DEED OF DEDICATION - WARREN B. RICHARDSON TRUST - 5TH AVENUE - STONE CANYON SUBDIVISION, PHASE 2 - PUBLIC WORKS

Upon recommendation of James Gale, Sr. Property Agent, through Dave Roundtree, Public Works Director, on motion by Commissioner Bond, seconded by Commissioner Galloway, which motion duly carried, it was ordered that the Deed of Dedication from Warren M. Richardson and Warren Markle Richardson, as successor Trustee of the Warren B. Richardson Trust, for a portion of 5th Avenue in Sun Valley, be approved and Chairman Short be authorized to execute.

00-72 ACCESS AND DRAINAGE EASEMENTS - ANDERSON PARK - K & CJ, INC. - PUBLIC WORKS

Upon recommendation of James Gale, Sr. Property Agent, through Dave Roundtree, Public Works Director, on motion by Commissioner Bond, seconded by Commissioner Galloway, which motion duly carried, it was ordered that the Easement Deeds from Washoe County to K & CJ, Inc., concerning the road, parking area and drainage facilities at Anderson Park, be approved and Chairman Short be authorized to execute.

00-73 ACCEPTANCE OF DRAINAGE EASEMENTS - AUDREY GOLDEN & CHARLES R. SMITH - ANDERSON SUBDIVISION - PUBLIC WORKS

Upon recommendation of Dave Price, County Engineer, through Dave Roundtree, Public Works Director, on motion by Commissioner Bond, seconded by Commissioner Galloway, which motion duly carried, it was ordered that two Grants of Easement between Washoe County and Audrey Golden and Charles R. Smith for drainage for Anderson Subdivision be accepted and Chairman Short be authorized to execute.

00-74 AWARD OF CONTRACT - PROPERTY STORAGE AND HOUSING UNIT 10 TOILET EXPANSION - JAIL - PUBLIC WORKS

This was the time to award a contract, Notice to Contractors for receipt of sealed proposals having been published in the Reno Gazette-Journal on December 1, 2, 3, 8, 9, and 10, 1999, for the Property Storage and Housing Unit 10 Toilet Expansion Project at the Washoe County Detention Facility for the Public Works Department. Proof was made that due and legal notice had been given.

Upon recommendation of Don Jeppson, Associate Architect, through Rod Savini, Capital Projects Division Manager, Public Works Department, on motion by Commissioner Bond, seconded by Commissioner Galloway, which motion duly carried, it was ordered that subject contract be awarded to the low, responsive and responsible bidder, Reno Construction, Inc., in the amount of \$398,774.00, and that Chairman Short be authorized to execute the contract documents upon presentation.

00-75 AWARD OF CONTRACT - JAIL MAIN ENTRANCE ENCLOSURE - PUBLIC WORKS

This was the time to award a contract, Notice to Contractors for receipt of sealed proposals having been published in the Reno Gazette-Journal on December 8 and 9, 1999, for the Jail Main Entrance Enclosure Project at the Washoe County Detention Facility for the Public Works Department. Proof was made that due and legal notice had been given.

Upon recommendation of Don Jeppson, Associate Architect, through Rod Savini, Capital Projects Division Manager, Public Works Department, on motion by Commissioner Bond, seconded by Commissioner Galloway, which motion duly carried, it was ordered that subject contract be awarded to the low, responsive and responsible bidder, PCM Construction, in the amount of \$116,925.00, and that Chairman Short be authorized to execute the contract documents upon presentation. It was further ordered that the following budget transfers be acknowledged:

Account	Description	Decrease	Increase
920423-7880	Jail Bathroom Remodel	\$41,755.00	
920433-7880	Sheriff's Main Entrance Remodel		\$38,755.00
920433-7357	Sheriff's Main Entrance Remodel		\$ 3,000.00

00-76 PRESENTATION OF PLAQUE OF APPRECIATION - MARK MOSER

Chairman Short presented a plaque of appreciation to Mark Moser, District Attorney's office, in recognition of his accomplishments as Chairman of the Information Technology Standards Committee. Matt Beckstedt, Information Technology Director, and District Attorney Richard Gammick also acknowledged Mr. Moser's accomplishments and congratulated him stating that his efforts led to the PC Refresh Program and because of that, Y2K was not a problem for Washoe County.

00-77 PRESENTATION OF PLAQUE OF APPRECIATION FROM TRPA - COMMUNITY DEVELOPMENT DEPARTMENT

On behalf of the Tahoe Regional Planning Agency, Commissioner Galloway presented an award plaque from the TRPA to Robert Sellman, Director, Community Development Department, and Sharon Kvas, Planner, for Washoe County's role as the lead agency in the Northshore Beautification Project. Mr. Sellman thanked the TRPA on behalf of staff and recognized Ms. Kvas and Mike Harper as the lead staff on the project. Ms. Kvas stated that staff may have been the "muscle," but Commissioner Galloway was the "heart" of the project.

00-78 EMPLOYEE RECOGNITION PROGRAM - HUMAN RESOURCES

Joanne Ray, Human Resources Director, read the list of employees being recognized for their suggestions which improve service provision and/or result in cost savings for the County. Chairman Short presented certificates to the following employees who were present:

- Colleen Hughes
- Jana Vickers
- Ellen Riley
- Mary Anna Replogle
- Harry Day

00-79 AGREEMENT - MAY SHELTON CONSULTANT, INC. - HUMAN SERVICES CONSULTING SERVICES - SOCIAL SERVICES

Upon recommendation of Katy Singlaub, County Manager, on motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which

motion duly carried, it was ordered that an agreement between Washoe County and May Shelton Consultant, Inc., concerning provision of consultant services in the area of human services policy development, effective February 15, 2000 through June 30, 2000, at an estimated maximum cost of \$33,040, be approved and Chairman Short be authorized to execute on behalf of Washoe County.

00-80 AGREEMENT - UNITED STATES GEOLOGICAL SURVEY (USGS) - GROUNDWATER INVESTIGATIONS FOR NORTH VALLEYS - WATER RESOURCES DEPARTMENT

Upon recommendation of Steve Walker, Water Management Planner, through Ed Schmidt, Director, Department of Water Resources, on motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried, it was ordered that:

1. An expenditure of \$44,250 from the Regional Water Management Fund to jointly fund a two year program with the United States Geological Survey (USGS), Department of the Interior, for groundwater investigations in hydrographic basins in the North Valleys be approved; and
2. A Joint Funding Agreement between Washoe County and the USGS concerning the first year of match funding from the USGS be approved and Chairman Short be authorized to execute on behalf of Washoe County.

00-81 AGREEMENT - UNITED STATES GEOLOGICAL SURVEY (USGS) - RENO/SPARKS METROPOLITAN AREA FLOOD WARNING SYSTEM - WATER RESOURCES DEPARTMENT

Upon recommendation of Leonard Crowe, Water Resources Planning Manager, through Ed Schmidt, Director, Department of Water Resources, on motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried, it was ordered that a Joint Funding Agreement between Washoe County and the United States Geological Survey (USGS) concerning operation and maintenance of stream and precipitation gauges associated with the Reno/Sparks Metropolitan Area Flood Warning System for fiscal year 2000 be approved and Chairman Short be authorized to execute on behalf of Washoe County. It was noted that Washoe County's share will be \$10,798 of the total cost of \$32,395.

00-82 AGREEMENT - CAROLLO ENGINEERS - GRANT FUNDING - REGIONAL WASTEWATER FACILITIES DESIGN - WATER RESOURCES DEPARTMENT

Upon recommendation of Steve Walker, Water Management Planner, through Ed Schmidt, Director, Department of Water Resources, on motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried, it was ordered that an agreement between Washoe County and Carollo Engineers concerning provision of match funding and required accounting mechanisms to receive a State of Nevada grant for \$75,000 be approved and Chairman Short be authorized to execute on behalf of Washoe County.

00-83 AGREEMENT - JUSTICE BENEFITS, INC. - FEDERAL REIMBURSEMENT PROCESSING SERVICES -SHERIFF

Upon recommendation of Sheriff Richard Kirkland, on motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried, it was ordered that an agreement between Washoe County and Justice Benefits, Inc., concerning professional services to identify

and process federally funded reimbursements be approved and Chairman Short be authorized to execute on behalf of Washoe County.

It was noted that JBI will identify federal reimbursement opportunities for the Sheriff's Office, complete all application and claim processing, and prepare all submittal packages for review by the U.S. Department of Justice; that the Sheriff's Office is only receiving a fraction of the reimbursements to which it is entitled due to lack of time and manpower; and that there will be no fiscal impact as JBI will not receive any funds unless the federal claim is granted.

00-84 AGREEMENT - COMMUNITY CHEST - ENVIRONMENTAL EDUCATION OUTREACH PROGRAM - PARKS

Upon recommendation of Rosemarie Entsminger, Parks and Recreation Department, on motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried, it was ordered that an agreement between Washoe County and Community Chest, Inc., sponsor of the Nevada Conservation Corps Environmental Education Outreach Program, concerning environmental service projects be approved and Chairman Short be authorized to execute on behalf of Washoe County. It was further ordered that the use of \$27,000 of fiscal year 98/99 Parks Department "carry-over" funds be approved to pay for this program.

00-85 CAPITAL CONTRIBUTION FRONT ENDING AGREEMENT - WASHOE COUNTY SCHOOL DISTRICT & REGIONAL TRANSPORTATION COMMISSION - GOLDEN VALLEY ROAD

Upon recommendation of Clara Lawson, Registered Engineer, through Dave Roundtree, Public Works Director, on motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried, it was ordered that the Capital Contribution Front Ending Agreement (CCFEA) between Washoe County, the Washoe County School District and the Regional Transportation Commission concerning Golden Valley Road improvements be approved and Chairman Short be authorized to execute on behalf of Washoe County.

00-86 CIVIL PROTECTIVE CUSTODY EXPANSION PROJECT - 99/00 CIP PROGRAM - EXPANSION OF PROJECT - PUBLIC WORKS

Upon recommendation of Don Jeppson, Associate Architect, through Rod Savini, Capital Projects Division Manager, on motion by Commissioner Sferrazza, seconded by Commissioner Shaw, which motion duly carried, Chairman Short ordered that the following elements to the Civil Protective Custody Expansion Project be approved:

<u>Original Scope</u>	<u>Additional Scope</u>
Build a facility to relieve the intake area which has been overburdened; enlarge the jail facility complex to include an area designed specifically for CPC; a single story addition of 6,900 square feet independent of the	Construct addition to the jail intake area including two stories and comprised of materials of a more secure nature; 6,713 square feet of additional area and 1,503 square feet of remodeled area; a second story

jail intake area and comprised of materials of a less secure nature; a medical and observation station; support areas; three large holding areas; several security cells; and enlarged breath testing room; a drug recognition and examination room; and a property storage area; and estimated construction cost of \$940,000.

added to the proposed addition of 6,851 square feet to include utility, communication and security improvements to allow for future jail service expansion; inclusion of the foundation changes required to support the second story; and an estimated construction cost of \$1,718,667.

It was noted that the expanded scope will require \$1,141,671.00 in additional funding for the CPC building; that \$727,825.00 has been identified from the Sheriff's Office FY 98/99 carryover; and that the additional \$413,846 is available in the Integrated Financial System FY 99/00 budget.

00-87 AMENDMENT TO ARCHITECTURAL AGREEMENT - GANTHNER MELBY LLC - CIVIL PROTECTIVE CUSTODY EXPANSION PROJECT - PUBLIC WORKS DEPARTMENT

Upon recommendation of Don Jeppson, Associate Architect, through Rod Savini, Capital Projects Division Manager, on motion by Commissioner Sferrazza, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the amendment to the agreement between Washoe County and Ganthner Melby LLC concerning architectural/engineering services for the Civil Protective Custody Unit Expansion Project, increasing the scope of the project and the amount by \$58,400, be approved and Chairman Short be authorized to execute on behalf of Washoe County.

00-88 APPOINTMENT - DIRECTOR OF SOCIAL SERVICES - MANAGER

Upon recommendation of Katy Singlaub, County Manager, on motion by Commissioner Sferrazza, seconded by Commissioner Shaw, which motion duly carried, Chairman Short ordered that Michael Capello be appointed as Director of Social Services at an annual salary of \$92,518.40 effective February 15, 2000.

00-89 ACCEPTANCE OF RESIGNATION - APPOINTMENT - WASHOE COUNTY PLANNING COMMISSION

On motion by Commissioner Sferrazza, seconded by Commissioner Bond, which motion duly carried, Chairman Short ordered that Ed Meagher's resignation from the Washoe County Planning Commission be formally accepted.

It was further ordered that Robert Doxey, who was present, be appointed to the Washoe County Planning Commission to fill the unexpired term to June 30, 2002.

00-90 ACCEPTANCE OF RESIGNATIONS - APPOINTMENTS - WASHOE COUNTY SENIOR SERVICES ADVISORY BOARD

On motion by Commissioner Sferrazza, seconded by Commissioner Bond, which motion duly carried, Chairman Short ordered that the resignations of Mary Leonard and Frank Kastory from the Washoe County Senior Services Advisory Board be accepted effective immediately.

Upon recommendation of Commissioner Galloway who conducted the interviews of the applicants, on motion by Commissioner Sferrazza, seconded by Commissioner Bond, which motion duly carried, Chairman Short ordered that Dolores Castillo Burnett be appointed to the unexpired term of July 1, 2002, and that William M. Clem be appointed to the unexpired term of July 1, 2003 on the Washoe County Senior Services Advisory Board.

00-91 ORDINANCE - ALLOWING UNCLASSIFIED SERVICE EMPLOYEE TO MOVE INTO CLASSIFIED SERVICE UNDER CERTAIN CONDITIONS - TABLED

Katy Singlaub, County Manager, stated that the proposed ordinance would amend the Washoe County Code by adding provisions for employees to move from unclassified to classified service under certain circumstances and that the Washoe County Employees Association (WCEA) has filed a formal letter of complaint against this ordinance.

Bob Burdick, WCEA, stated that they are adamantly opposed to the proposed change because promotional opportunities would be denied to WCEA members under this ordinance and that they will aggressively oppose this legislation.

On motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Short ordered that the proposed ordinance allowing employees to move from unclassified to classified service be tabled.

00-92 WOLF RUN/GOLF VISION - REQUEST FOR RELIEF UNDER ORDINANCE 1038 - RECLAIMED WATER FEES AND RATES - UTILITY SERVICES

[This is a continuation from December 21, 1999, Item 99-1257.]

Per Board direction at the previous consideration of this request, John Collins, Manager, Utility Services Division, Department of Water Resources, provided the Board members with a 3-ring binder of all documents pertaining to Wolf Run Golf Course. This documentation was also placed on file with the Clerk.

Mr. Collins reminded the Board that it was Golf Vision’s contention that there were agreements with the County whereby the golf course would receive water service at no cost to the golf course. Referring to several documents in the binder, he then reviewed historical data going back to 1986, and specifically called attention to the Annexation Agreement for annexing the golf course into the South Truckee Meadows General Improvement District. Mr. Collins stated that it was very clear that they knew they would have to pay something, but how much was not clear. He discussed in detail the plans for providing the treated effluent to the golf course, which was available to them in December, 1997, and the interim water service that would be provided until the effluent could be delivered. Mr. Collins explained that the interim service was provided by the County filing temporary permits to allow Steamboat Ditch and Whites Creek water to be used on the golf course; that the applicants agreed to pay for all the costs associated with that interim service; that those costs, amounting to approximately \$16,125.00, were incurred for 1996, 1997 and 1998, and are outstanding on STMGID’s books; and that those bills have not been paid.

Mr. Collins further explained that in 1999, the County did not re-file the temporary permits for the creek water because staff thought the golf course was ready to use the other facilities; that the golf course was notified; and that they then notified the County that they were not ready to take the effluent. He referred to resulting meetings and correspondence wherein the applicants stated that they would have their facilities completed and be ready to take the effluent by March 31, 2000, and the County agreed to re-file for the temporary use of the creeks under the understanding that the golf course would pay the 55-cents per thousand gallons. Mr. Collins advised that the bills for the 1999 water total \$83,678.67, including late fees, which have also not been paid.

Mr. Collins stated that the other disputed charges are for the golf course's pro-rated share of the costs incurred by the County to construct the infrastructure to deliver the treated effluent. He further explained that the water dedicated by the developer was approximately 110 acre-feet (a.f.) short and the developer has the choice of dedicating the rest of the water or paying the County at \$3500 per a.f.; and that is how they arrived at the amount of approximately \$387,000. He reported on what others using the effluent have paid and stated that he believes staff has made a very fair deal with Golf Vision and has given them some very generous concessions. Mr. Collins emphasized that, besides the infrastructure costs, Golf Vision has been using water for over 3 years now and has not paid a penny for it.

Mr. Collins then answered several questions of Board members referring to other correspondence, the annexation agreement, and the conditions of approval for the special use permit for the golf course, all of which indicated that there would be costs the developers would have to pay.

Madelyn Shipman, Assistant District Attorney, further advised that the September 24, 1999, letter from Deputy District Attorney John Rhodes deals only with these past charges, and the issue of the water over usage has not been addressed.

Attorney Rick Campbell, representing Wolf Run Golf Club, stated that the County keeps changing the numbers and this is really a moving target. He reviewed Ordinance 586 and several letters stating that the golf course was never structured as a stand-alone entity and the subdivision and the golf course cannot be separated. He explained the deal that was struck with STMGID in which valuable land for well sites was given to STMGID because the water rights they were dedicating were surface rights and the County did not yet have a treatment plant for surface water.

Commissioner Galloway stated that Mr. Campbell is talking about the subdivision, which is still short 110 a.f., and is separate from the golf course. Mr. Campbell reiterated that the golf course and subdivision are a combined deal. He further stated that he does not understand the 110 short because water rights were dedicated to the County and they complied with all the requirements.

In response to Commissioner Sferrazza, Mr. Campbell stated they cannot take the effluent because they do not yet have their discharge permit and they still have to build their infrastructure; that it was their understanding that they could not get effluent until the plant reached 1mgd; and that they never said they would pay for 1999. He further stated that they are pursuing the discharge permit; that they are offering to pay the 55-cents now to resolve this; that they did not agree to pay the 1999 charges; and that they agreed to take the surface water under protest for those charges.

Chairman Short asked if Wolf Run's position is that they should not have to pay for any infrastructure, connection fees, or water rights and only pay for the water that is being used by the golf course plus \$100,000. Mr. Campbell stated that the 55-cents per thousand gallons charge includes payment for infrastructure.

In response to Commissioner Bond, Mr. Campbell advised that they are preparing to put in the last phase of the subdivision; that that will include engineering for the effluent line; that they plan to construct that in March; that they are working with the State to get the discharge permit in place; that when the line and the permit are in place, they will be ready to take effluent; and that in the interim they are willing to pay, starting right now, regardless of when the facilities are ready or when the State grants the permit, the full 55-cents per thousand gallons. Mr. Campbell stated that they did not receive the bills for the \$16,000 for the ditch fees, and they will be happy to pay those bills. He further stated that the overage issue was an unfortunate problem that occurred one time; that there was a metering problem and a dispute concerning exactly how much water was going out there; and that it will not occur again. Mr. Campbell stated that they agree that they are only entitled to a certain amount of water during an irrigation season and they understand that if they go over, they will have to find other water or will have to pay additional charges above that. Commissioner Galloway asked if they are also agreeing to pay the County if their usage continually exceeds the 337 a.f. Mr. Campbell stated that if it turns out that they cannot manage the golf course on 337 a.f., they will pay for the additional usage or dedicate additional water rights in accordance with the ordinance.

Commissioner Galloway asked Mr. Collins how he feels about this offer. Mr. Collins stated that, except for the clarification of the overage, he does not see any change in the offer.

Commissioner Sferrazza moved that the County offer to split the difference between staff's proposal of \$387,100 and Wolf Run's proposal of \$100,000 and be done with it. Ms. Shipman asked for further clarification. Commissioner Sferrazza stated that the applicant has already agreed to pay the \$16,125 and to begin paying the 55-cents per thousand gallons immediately; that he would be willing to waive the \$83,000; and that it could be paid over time.

Commissioner Galloway stated that he would like to hear what Wolf Run/Golf Vision thinks of that offer, which was determined to be \$243,500 in addition to the \$16,125. Mr. Campbell stated that the golf course would go under because they just don't have those kinds of funds.

Former Governor Bob List stated that the \$100,000 and their willingness to begin paying the 55-cents is over and above what they think is actually owed from a legal perspective and he believes they would prevail in court.

Mr. Campbell conferred with his clients and stated that if payment could be extended to a 15-year pay, they could extend their offer to \$150,000, subject to approval by the partners and the University. Ms. Shipman asked if that was with or without interest. Mr. Campbell stated that they have not discussed interest.

Commissioner Shaw asked legal counsel to explain what options are available to the Board. Ms. Shipman stated that the Board could stay with the last offer by the County as proposed by the District Attorney's office, accept the offer made by Wolf Run, or go somewhere in between. She further stated that she believes the offer made by County staff was much more lenient than what was legally required and it was made in the spirit of compromise.

Commissioner Shaw stated that he is assuming Commissioner Sferrazza's motion died for lack of a second and that he would attempt another motion although he feels like he has been painted into a corner. Commissioner Shaw moved that the County accept the offer of settlement made by the applicants of \$150,000 plus interest at the rate of prime plus 2 percent to be paid over a 15-year period; that the applicants begin paying the 55-cents per thousand gallons immediately; and that the applicants make speedy attempts to get their discharge permit and get their

infrastructure in so that they can begin taking the effluent as soon as possible. Commissioner Sferrazza seconded the motion.

Commissioner Galloway stated that it has never been totally clarified who all the parties are in Golf Vision; that he is concerned because there were agreements with a development company that no longer exists; that it is his understanding that there is no recourse to the land because it does not belong to Golf Vision; and that he would rather Golf Vision borrow the money from someone else if they are going to be paying interest anyway and give the County cash. He further stated that he does not think he can support the motion because he feels the County's position is too strong to bargain it away and that the County would prevail in any court action.

Commissioner Sferrazza asked why the County could not put a lien on the golf course. Commissioner Galloway stated that you can't enforce a lien against the University. Ms. Shipman agreed stating that no one has responded to her requests concerning who actually owns the property, but it is her understanding that the University of Nevada is the owner of this property.

Mr. Campbell explained that if the motion is approved, he will have to take it, as an offer, to the University AAUN (Athletic Association of the University of Nevada), as they are the legal title holder to this property; that Golf Vision Development has partners who will also want to see this counter-proposal; that Golf Vision Development has a 30-year lease to operate and manage the property subject to certain lease terms with splitting of revenues with the AAUN; and that the John Shaw Field Foundation deeded the property that constitutes the golf course to the AAUN, but they are still a partner in Golf Vision Development.

Commissioner Shaw asked if this is really a done deal. Mr. Campbell stated that he would take the offer to all the parties and urge them to accept it. Ms. Shipman stated that there would also have to be a written agreement outlining the terms and to assure payment by any successor or assign of the property.

Mr. Campbell then stated that, if there is no security required, Golf Vision Development can accept the proposal outlined in the motion subject to a written agreement.

Commissioner Galloway asked Commissioner Shaw if he would amend his motion to be \$150,000 cash. Commissioner Shaw stated that he felt that option should be left up to the applicants. Mr. Campbell stated that he does not think they would be able to borrow the money from a bank because of the lien situation.

Commissioner Sferrazza called for the question. The motion was restated as follows: Subject to a written agreement being executed by both parties, the County accepts the applicant's offer of payment of \$150,000 plus interest at prime plus 2 percent to be paid over a 15-year period as settlement for charges and fees for the reclaimed water ordinance provisions governing connection fees and rates; the applicant will begin paying 55 cents per thousand gallons effective when they start irrigating this season; the applicant will pay \$16,125 to the South Truckee Meadows General Improvement District; and the applicant will obtain their discharge permit and construct their effluent line as soon as possible. The Chairman called for the vote and the motion carried on a 4 to 1 vote with Commissioner Galloway voting "no."

00-93 DISCUSSION - BLACK ROCK DESERT - NATIONAL CONSERVATION AREA

Chairman Short stated that the Board received a draft of Senator Bryan's proposed legislation, but they have not received a copy of the map

which shows the area of land included in the proposed legislation.

On motion by Commissioner Galloway, seconded by Commissioner Bond, which motion duly carried, Chairman Short ordered that this matter is continued to the February 8, 2000, meeting.

00-94 RESOLUTION - REGIONAL PUBLIC SAFETY TRAINING CENTER - FINANCE

5:00 p.m. This was the time set in a Notice of Public Hearing published in the Reno Gazette-Journal on December 29, 1999, to act upon a resolution authorizing medium-term financing evidenced by a lease-purchase agreement. Proof was made that due and legal Notice had been given.

John Sherman, Finance Director, went over his January 19, 2000, memo with the Board, reviewing actions the Board would need to take regarding the Lease-Purchase Option (1) and the Traditional Public Works Project Option (2). He further discussed the technical aspects of the Lease-Purchase financing and advised that if the Board approves this resolution it would then go before the Department of Taxation for approval.

The Chairman opened the public hearing by calling on anyone from the audience wishing to speak for or against adoption of said Resolution. There being no response, the hearing was closed.

John Breternitz, Q&D Construction, was present and advised the Board that there were numerous people involved in the project who were present and available to answer questions.

Mrs. Singlaub complimented staff and all parties for working so hard on this project and getting information to the Board for their review.

After further Board discussion, on motion by Commissioner Sferrazza, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the following Resolution be adopted and Chairman Short be authorized to execute.

A RESOLUTION AUTHORIZING MEDIUM-TERM FINANCING IN AN AMOUNT OF UP TO \$18,000,000 FOR THE PURPOSE OF FINANCING ALL OR A PORTION OF THE COST OF A PUBLIC SAFETY TRAINING CENTER COMPLEX; DIRECTING THE OFFICERS OF THE COUNTY TO FORWARD MATERIALS TO THE DEPARTMENT OF TAXATION OF THE STATE OF NEVADA; AUTHORIZING THE EXECUTION AND DELIVERY OF CERTAIN DOCUMENTS EVIDENCING SUCH FINANCING; PROVIDING CERTAIN DETAILS IN CONNECTION THEREWITH; AND PROVIDING THE EFFECTIVE DATE HEREOF.

WHEREAS, the Board of County Commissioners of Washoe County, Nevada (the "Board", "County", and "State", respectively) proposes to incur up to \$18,000,000 in medium-term financing of the County under Sections 350.085 to 350.095, inclusive, of Nevada Revised Statutes (the "Project Act" and "NRS", respectively), to be evidenced by a Lease-Purchase Agreement (the "Agreement") entered into pursuant to NRS §§244.286 and 350.800 (collectively, the "Lease Purchase Act") pursuant to which the County will lease and may purchase a public safety training center complex, including buildings, furniture, equipment, and appurtenances useful and desirable therefor (the "Project"); and

WHEREAS, the Board has determined that legally available funds of the County will at least equal the amount required in each year for the

payment of interest and principal on such medium-term financing; and

WHEREAS, NRS §350.087 requires that a notice of intention to authorize medium-term financing be published not less than 10 days prior to the consideration of a resolution authorizing medium-term financing; and

WHEREAS, a notice of intention to act upon the resolution authorizing such medium-term financing has been duly published in a newspaper of general circulation in the County not less than 10 days prior to the date hereof pursuant to NRS §350.087; and

WHEREAS, at the time and place specified in such notice, a public hearing was held; and

WHEREAS, all comments made at the public hearing have been duly considered by the Board.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF WASHOE COUNTY, NEVADA:

Section 1. The Board hereby finds and determines that the public interest requires medium-term financing for the Project in a principal amount not exceeding \$18,000,000.

Section 2. The facts upon which the findings stated in Section 1 above are based are:

(a) There is a need to lease and possibly acquire, and to improve, construct and equip a public safety training center complex to provide for adequate training of police, sheriff, fire and other public safety officers of the County and of other local governments within the County;

(b) The need for these training facilities in Washoe County exceeds the existing capacity of existing facilities due to the population growth in the County, the age and location of existing facilities, the number of public safety officers and the amount of training of these officers that is necessary and desirable.

(c) It is in the best interests of the County and its inhabitants, and would best serve the health and welfare thereof; if the Project is now accomplished, thereby assisting in alleviating the needs mentioned in (a) and (b) above;

(d) It is not feasible to finance the Project from other funds of the County, among other reasons, because of restraints on the County's budget for the current fiscal year and other demands on and needs for existing funds of the County.

Section 3. The sources of revenues of the County that are anticipated to be used to repay the medium-term obligation and the dollar amount expected to be available from each such source are monies in the County's Infrastructure Fund, created pursuant to NRS §377B.150 and containing the proceeds of a 1/8 of 1% sales tax (the "Tax") levied in the County, in part, in order to fund the cost of acquiring the Project. The Tax is expected to generate not less than \$4.1 million per year that would be available to make the payments due under the Agreement, and those payments are expected to be less than \$2.5 million per year.

Section 4. The medium-term financing shall not be paid in whole or in part from a levy of a special tax exempt from the limitations on the levy

of ad valorem tax, but shall be paid from the other legally available funds of the County mentioned in Section 3.

Section 5. The County proposes to enter into the Agreement evidencing medium term financing in a principal amount of not to exceed \$18,000,000 at an annual interest rate estimated to be 6% to be repaid over a period of not more than 11 years. The estimated useful life of the assets to be leased and possibly purchased pursuant to the Agreement is hereby determined to be in excess of 11 years.

Section 6. After the effective date hereof, as provided in Section 8 below, and only if this Resolution is approved as provided in that Section, the Chairman and County Clerk are authorized to execute and deliver, on behalf of the County: (i) the Agreement, by and between PSI Facilities, Inc. (the "Corporation") and the County; (ii) a Development Agreement and Agreement to Lease with Right to Purchase between the Corporation and the County; and (iii) a Ground Lease between the County and Corporation; and to approve a form a Deed of Trust to a deed of trust Trustee to be hereafter named; a form of Construction Contract between the Corporation and Q&D Construction, Inc., and the form of Indenture of Trust between the Corporation and a trustee to be hereafter designated; all of such documents to be in substantially the form as such documents are now on file with the County Clerk, but with such changes therein as are not inconsistent with the provisions of this Resolution and are approved by the Finance Director. In connection therewith, the Finance Director is authorized to specify the final terms of the Agreement including the principal amount of the medium term financing evidenced by the Agreement and the amount of principal maturing in each year provided that the aggregate principal amount does not exceed \$18,000,000 and the final maturity occurs on or before January 1, 2011; the dates and prices for any optional, mandatory or extraordinary rights or requirements to prepay, provided any prepayment premium may not exceed 9%; any discount in the Lease-Purchase Agreement of Certificate (as defined below) offering price, provided that the discount may not be in excess of 2%; and the interest rate or rates, provided that none of said rates may exceed 3 percentage points above the Index of 20 Bonds most recently published prior to the acceptance by the County of a negotiated offer by a municipal bond dealer to purchase such Certificates; and the effective interest rate, taking into account the periodic interest rates and any discount, provided that such rate may not exceed 3 percentage points above the Index of 20 Bonds most recently published prior to the acceptance by the County of a negotiated offer by a municipal bond dealer to purchase such Certificates.

In addition, the Finance Director is authorized to cooperate with the Corporation in arranging for the offering of Certificates of Participation (the "Certificate") evidencing an interest in the payments made by the County under the Agreements, subject to ratification and approval by the Board at or about the time of such offering of the offering document and the form of a Purchase Contract for the Certificates, and any other necessary details including the execution and delivery of the Deed of Trust and possibly of the Indenture of Trust. The Finance Director is authorized to deem the offering document to be a "final" official statement on behalf of the County for the purposes of Rule 15c2-12 of the Securities and Exchange Commission.

Section 7. The officers of the County are hereby authorized to take all action necessary or appropriate to effectuate the provisions of this resolution, including without limitation, (a) updating the County's capital improvement plan, if required, to reflect the Project, (b) forwarding all necessary documents to the Executive Director, Department of Taxation, Carson City, Nevada (c) assembling of financial and other information concerning the County and the Project, and the Certificates, and (d) preparing and circulating a preliminary offering document for the Certificates.

Section 8. This Resolution shall become effective upon the approval hereof by the Executive Director of the Department of Taxation of the

* * * * *

It was further ordered that John Sherman, Finance Director, be authorized to make any necessary changes; that a determination be made showing that medium-term financing does not impose a direct and significant and economic burden upon a business; that medium-term financing for the lease-purchase for the Regional Public Safety Training Center, upon approval of a special use permit by the City of Reno, be authorized; and that Chairman Short be authorized to execute the Lease-Purchase Agreement and related documents on behalf of the Commission.

It was further ordered that staff be directed to return to the Board for a public hearing to amend the plan for expenditure of proceeds of the Infrastructure Sales Tax imposed for the purpose of utilizing the initial bonds proceeds to partially fund the Regional Public Safety Training Center and the Truckee Rivers Flood Control Project.

00-95 APPEAL - ST. JAMES COMMERCIAL VILLAGE - SITE REVIEW CASE NO. SR10-26-97 - APPELLANT GARY SCHMIDT

5:00 p.m. This was the time set in a Notice of Public Hearing published in the Reno Gazette-Journal on January 14, 2000, to consider an appeal of Site Review Case Number SR-10-26-97, from the Washoe County Planning Commission's approval of and amendment to Condition No. 2 of an approved site review, which extended the time frame for the commencement of construction of the final phase of the project. The approved amendment allows up to six years from the original date of approval for commencement of the final phase. St. James Village is a neighborhood shopping center consisting of 60,260 square feet of retail space on a 7.24-acre site. The property is located at the northwest corner of Pagni Lane and US 395 in Pleasant Valley. The parcel is zoned Low Density Suburban (LDS) in the South Valleys Area Plan and situated in a portion of Section 7, T17N, R20E, MDM, Washoe County, Nevada, within County Commission District No. 2. (APN 45-310-10 and 11)

Ron Kilgore, on behalf of the Planning Commission, stated that in reviewing the action of the Planning Commission and the contents of the appellant's letter, staff can find no relationship between the two, and therefore recommends that the appeal be dismissed, as being without merit and the Planning Commission's decision be upheld.

The Chairman opened the public hearing by calling on anyone from the audience wishing to speak on this matter.

Gary Schmidt, appellant, submitted to Madelyn Shipman, Legal Counsel, a letter with attachments from his attorney, Gary Pakale, dated January 25, 2000, with a copy to the Clerk. Mr. Schmidt stated that he is concerned with Condition No. 2, as approved by the Planning Commission for SR10-26-97; that it relates to the Certificate of Occupancy for Phase I Improvements within 3 years; that he would like to see that sentence removed from the Planning Commission's recommendation; and that the applicant testified that NDOT may restrict some of their uses until the Pagni Lane overpass is completed.

Ms. Shipman, stated for the record that the hand-delivered letter from Mr. Schmidt today was in response to her letter that she provided to the Board in Caucus yesterday clarifying phasing versus extensions, and advised the Board that her letter speaks for itself.

Alex Fittinghoff, Urban Planning Services, a Planner for St. James Properties, stated that they would have no problem with the Board removing

the language regarding the 3 years for a certificate of occupancy in Condition No. 2, but they also understand they received what they asked the Planning Commission for regarding the phasing of their project and are content with Condition No. 2 either way.

There being no one else wishing to speak, Chairman Short closed the public hearing.

On motion by Commissioner Sferrazza, seconded by Commissioner Bond, which motion duly carried, Chairman Short ordered that the decision of the Planning Commission be upheld and the appeal by Gary Schmidt be denied.

00-96 COMPREHENSIVE PLAN AMENDMENT CASE NO. CPA99-NV-2 - COLD SPRINGS 2000 - WOODLAND VILLAGE

5:00 p.m. This was the time set in a Notice of Public Hearing published in the Reno Gazette-Journal on January 14, 2000, to consider the redesignation of a ± 12-acre portion of a ± 391-acre parcel from 0.52 acres of Low Density Suburban (LDS) and 11.48 acres of Medium Density Suburban (MDS) to 12 acres of Neighborhood Commercial (NC) in the North Valleys Area Plan. The project site is located within the previously approved Woodland Village (Cold Springs 2000) subdivision. The property is located at the North end of Cold Springs Valley in a portion of Section 16, T21N, R18E, MDM, Washoe County, Nevada, within County Commission District No. 5 (APN# 87-430-27). The parcel is located within the Cold Springs Hydrographic Basin. Administrative changes to the North Valleys Area Plan are necessary to reflect the changes requested within this application, including a revised map series and a revised table of land use acreage. The parcel is designated as "suburban" on the Truckee Meadows Regional Plan Land Use Diagram. Proof was made that due and legal Notice had been given.

Ron Kilgore, AICP, Community Development, stated that in 1998 Cold Springs 2000 submitted a tentative map application for a common open space subdivision of over 2000 units and included with that was a 12-acre town center; that the town center contained a mixture of commercial and public uses; that residential zoning allows for neighborhood centers, which the code refers to as sales of convenience goods, as foods, drugs, sundries and personal services, which meet the daily needs of an immediate neighborhood trade area; that the applicant wished to build a gymnasium and a community center and have some public offices; and that those buildings did not fit within the definition of a neighborhood center. He further stated that the Planning Commission asked the applicant to remove those uses or remove the 12 acres from the tentative map and proceed with the comprehensive plan amendment to rezone the area as neighborhood commercial and that is what the applicant chose to do.

The Chairman opened the public hearing by calling on anyone from the audience wishing to speak for or against approval of the Comprehensive Plan Amendment.

Bill Thomas, Summit Engineering Corporation, representing Lifestyle Homes, and Bob Lissner, Vice-President of Lifestyle Homes, were present to answer questions.

Mr. Thomas stated that this town center is an important part of the Woodland Village Project; that the traffic impact study of the town center was included in the town center report; and that there was a concern from some of the Cold Springs residents as they are planning their own community center with money from the Alturas funds. He advised the Board that this gymnasium would be available for the entire Cold Springs community. Commissioner Bond commented that a developer building a gymnasium for a community is extraordinary and wonderful.

Chairman Short inquired if there was going to be a charge for use of the gymnasium. Mr. Thomas responded that there would likely be a charge for the maintenance and utilities for the facilities, but no charge for the actual building itself.

Debra Leathers, 17620 Blackbird Drive, requested that this zoning amendment be denied. She stated that the developer does not have water for this project, because the permits that are required are being held up by litigation; that this developer has been red tagged by the Health Department numerous times regarding the water system; and that Cold Springs already has a community center being built with the Alturas funds.

There being no one else wishing to speak, Chairman Short closed the public hearing.

Commissioner Bond commented that Mr. Lissner has been in the Sun Valley Community for over ten years and has been anything but irresponsible; that the entire community in Cold Springs is having a problem with the water company; and that Washoe County will be keeping an eye on the project to make sure that the whole community benefits from the use of the gymnasium.

Commissioner Galloway disclosed that he met with Mr. Lissner's representatives regarding this matter and stated that he has not seen anything presented to the Board saying that this is an inappropriate land use for this center of town.

On motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, it was ordered that the Planning Commission's decision regarding Comprehensive Plan Amendment Case Number CPA99-NV-2 amending the North Valleys Area Plan to re-designate a portion of Assessor's Parcel Number 87-430-27, be upheld based upon the following findings:

1. The proposed amendment to the North Valleys Area Plan demonstrates adequate future infrastructure capacity to serve any additional demand for the requested Neighborhood Commercial land use designation (Mandatory Finding: WCDC Section 110.208.45).
2. The proposed amendment to the North Valleys Area Plan is in substantial compliance with the policies and action programs of the Comprehensive Plan. The amendment conforms to policies LUT.1.2, LUT.1.3, LUT.1.4, and LUT.1.14.
3. The proposed amendment to the North Valleys Area Plan will provide for land uses compatible with existing and planned land uses to the north and east of the subject site (NV.4.6, LUT.1.3, LUT.1.14), and will not adversely impact the public health, safety or welfare.
4. The proposed amendment to the North Valleys Area Plan will not adversely affect the implementation of the policies and action programs of the Conservation Element or the Population Element of the Washoe County Comprehensive Plan.
5. The proposed amendment to the North Valleys Area Plan will promote the desired pattern for the orderly physical growth of the County and guides development of the County based upon the projected population growth with the least amount of natural resource impairment and the efficient expenditure of funds for public services.
6. The proposed amendment to the North Valleys Area Plan is the second amendment to the Plan in 1999, and therefore

does not exceed the three permitted amendments as specified in Section 110.820.05 of the Washoe County Development Code.

7. The Washoe County Planning Commission public hearings, prior to the adoption of the proposed amendment to the North Valleys Area Plan, and the related changes to the text and maps of the plan, has been properly noticed in a newspaper of general circulation in the County as prescribed under NRS 278.210(1).

8. The Washoe County Planning Commission gave reasoned consideration to information contained within the staff report and information received during the public hearing.

9. The Washoe County Commission gave reasoned consideration to information contained within the reports transmitted to the Washoe County Planning Commission and the Washoe County Commission, and information received during the County Commission public hearing.

ADMINISTRATIVE CHANGES

1. The administrative change amendments to the North Valleys Area Plan will not adversely affect the implementation of the policies and action programs of the Conservation Element or the Population Element of the Washoe County Comprehensive Plan.

2. The administrative change amendments to the North Valleys Area Plan respond to changed conditions and/or further studies that have occurred since the plan was adopted by the Board of County Commissioners.

3. The administrative change amendments to the North Valleys Area Plan will promote the desired pattern for the orderly physical growth of the County and guides development of the County based on the projected population growth with the least amount of natural resource impairment and the efficient expenditure of funds for public services.

00-97 APPEAL - SPECIAL USE PERMIT CASE NO. SPW3-12-99 - BLACK ROCK AGGREGATE PIT

5:00 p.m. This was the time set to consider the appeal of Black Rock Investors from the denial of the Washoe County Planning Commission of their application to establish a sand and gravel/aggregate mining operation to include a concrete redi-mix plant and asphalt batch plant. The property is located on Cantlon Dr. northwest of the I-80 Wadsworth-Pyramid Lake Interchange and west of the Stamphill Estates Subdivision. The ± 200-acre parcel is designated General Rural (GR) in the Truckee Canyon Area Plan and situated in a portion of Section 7, T20N, R24E, MDM, Washoe County, Nevada, within Commission District 5. (APN: 084-040-08)

Trevor Lloyd, AICP, Community Development, informed the Board that the Planning Commission unanimously voted to deny this project; and that the appeal had been deferred for several months while the applicant worked with NDOT and others to try and reach an agreement. Mr. Lloyd stated that after the Planning Commission denied the application, the following has occurred: The applicant received a letter from NDOT accepting the design concept for improvements to access road FRWA21 and frontage road FRWA22; a Fugitive Dust Control Plan was received,

prepared by JBR Environmental Consultants, Inc., dated January 11, 2000: and the Concrete and Asphalt Plants have been withdrawn from their original plan design.

Commissioner Galloway inquired from legal counsel if there was substantial new information submitted, i.e., dust control plan, new information from NDOT regarding the access road, and partial plan uses being withdrawn, could the Board send this back to the Planning Commission for review within the timeframe that was requested of the Board. Ms. Shipman advised the Board that they never adopted a rule specific to that issue, but that a lessening of any impact such as the removal of a couple of uses would not necessarily require that it be re-reviewed by the Planning Commission, but that is a Board option.

Commissioner Shaw inquired from Mr. Lloyd if staff considered this new information a major change on the part of the applicant in withdrawing two major portions of their project from the application. Mr. Lloyd responded that it is not a major change in the applicant's design; that there had been a dust control plan submitted to the Planning Commission; and that the Planning Commission still felt they could not make a finding for approval of this project.

Commissioner Bond stated that she would like to hear from air quality control on what their comfort zone is regarding this project.

Chris Ralph, Air Quality Division, Health Department, stated he testified at the Planning Commission hearing against approval of this project; that it was partially based upon dust control issues and the approved homes on the tentative map, which are located very close to this facility; and that he felt there was potential for ongoing disputes between the Plant and the residents of the area. He further stated that some of the issues have been addressed but the ultimate issue is the residential areas located so close to the proposed Plant.

Chairman Short inquired from Mr. Ralph if he had reviewed the Fugitive Dust Control Plan dated January 11, 2000, and if he had, did it address more than the original plan. Mr. Ralph responded that he spoke with the applicant about the plan and that the plan does have substantially more information, but it still does not address all of the issues.

The Chairman called on anyone from the audience wishing to make public comment on this issue.

Ben Veach, Summit Engineering, representing Black Rock Aggregate Pit (the "Pit"), addressed the issue of being sent back to the Planning Commission and stated that they did make clear at that hearing that there would be no concrete or asphalt plant at the Pit, which was due to changes at staff level; that they had received an earlier letter from NDOT, but it was basically a boiler plate letter informing them that they had to follow certain procedures and meet with them; that they have met with NDOT and received a new letter from them; and that due to continued concern regarding the dust, they had a Fugitive Dust Control Plan prepared for the project.

Commissioner Bond inquired if the tentative map at Stampmill Estates is a brand new tentative map or a renewal. Mr. Lloyd responded that it is an extension of a tentative map; that it is the oldest existing active tentative map in the County; that it is renewed appropriately, but there are issues with the sewer that need to be cleared up.

Chairman Short inquired if the Board wanted to pursue sending this back to the Planning Commission. Ms. Shipman advised that the Board needs to conduct the public hearing.

Commissioner Sferrazza disclosed that he has a contract as a judge with the Pyramid Lake Paiute Tribe, and inquired from Ms. Shipman and the parties if he needs to abstain on this item. Ms. Shipman advised that Commissioner Sferrazza's approval or denial of this project would not result in any financial impact to him, and disclosure is sufficient as long as he feels he can be objective.

Commissioner Bond disclosed that she went out and viewed the site, road, and culvert and stated that she has spoken with numerous people who could not be here today, but are opposed to this project.

Chairman Short disclosed that he went out and looked at the site by himself and has spoken with the developer briefly regarding this project.

Steve Mollath, representing Black Rock Investors, stated that any degree of impropriety that may exist should be removed and they would request that Commissioner Sferrazza not consider this issue.

(Commissioner Sferrazza left the meeting)

Paul Solaegui, Solaegui Engineers, stated that he conducted a traffic analysis for this project; that based upon the analysis he concluded that truck traffic would be reduced; and that Cantlon Drive has the capacity to hold 10,000 vehicles per day. He further stated that other details are being addressed and that with reasonable design this project can be completed.

Commissioner Shaw inquired what size trucks the mine would be using and whether or not the elementary school in Wadsworth was considered when the traffic study was conducted. Mr. Solaegui responded that it would be double or triple trailer trucks being used; and that he conducted the traffic study at peak hours for the elementary school and information was included in his study.

Erin Hallenburg, JBR Environmental, advised that he was hired by Summit Engineering and Black Rock Aggregate to do a fugitive dust control plan noting that he has 17 years of experience in the air quality field and holds degrees in biology, civil engineering and environmental engineering. He stated that the place that has the most potential to produce fugitive dust was the unpaved roadway; that second is where they would be digging up the soil; and that third was the paved road if they allow track out. He further stated that process modifications and adjusted work practices eliminate fugitive dust; that limiting themselves to 5-acres of active disturbance will reduce a lot of the fugitive dust; that conveying the material from the pit area to the wash plant, instead of trucking it over, eliminates the amount of unpaved road fugitive dust emissions.

Ben Veach stated that at the Planning Commission, Mr. Monday, East Truckee River Canyon Ad-hoc Committee member, testified that the NDOT letter was so vague it should not be considered; and that due to the traffic concerns, they met with NDOT regarding those issues. He further stated that other people testified at the hearing saying there would be too much dust and it would destroy everything, so to ease those concerns they generated a fugitive dust control plan and met with staff; and that discussions seemed to indicate that they would be able to conform to the County requirements and mitigate any problems they have.

Tom Gallagher, Summit Engineering, clarified that they have agreed pursuant to the dust control plan, to mine the area 5-acres at a time; and that after meeting with the Air Quality Division, they understand that the plan and processes and mitigation measures they are taking puts them into complete compliance with the standards of Washoe County. He stated that there are currently 84 lots recorded on 9 maps for the Stampmill

Estates; that each map has a bond on it and the bonds have to be carried forward every two years; and that Stampmill developers have to come back and obtain approval for extensions.

Commissioner Galloway inquired what the distance is between the Pit boundary and the nearest buildable lot. Mr. Gallagher responded that once they reach the 4th phase, which may occur in approximately 6 or 7 years, it would still be over 300 feet away.

Reese Perkins, Certified General Appraiser, stated he currently serves as President of the Nevada State Appraisal Commission; that they looked at similar aggregate operations located near residential developments in Washoe County, which included the Rocky Ridge Project and the Hidden Canyon Project (both in Spanish Springs) and also the Sha-Neva in Lemmon Valley, which is most similar to the price range at Stampmill Estates, with the rural location. He further stated that they analyzed marketing times, the ratio of list price to sale price, depreciation rates and compared those homes that were visually impacted or proximity impacted by the operation of the Sha-Neva Aggregate Pit to homes located a considerable distance away from the pit and found no measurable impact on value; and that as a result of that analysis, they feel this project will have no impact on residential value.

Bambi Van Dyke, 31800 Cantlon Drive, stated that she resides right directly across, on the south side of Interstate 80, approximately 700 feet away from this proposed project; that the house she lives in has been there for 23 years; that she opposes this project because of the possible contamination to their wells, air quality, truck traffic, and the effects to their property values from the sand/gravel aggregate mining operation; and that she and her husband received an offer for their property for \$500,000 with the contingency that this gravel pit will not take place.

Jim Swires, Cantlon Drive resident, stated that he was the first person to build a home on Cantlon Drive 22 years ago; that his home is approximately 80 feet from the mouth of the culvert that the aggregate pit trucks would be using; that truck traffic would be backed up trying to get on to Interstate 80, which would place the backed up trucks in front of his home; and that he opposes this project.

Gerry Emm, Environmental Director for the Pyramid Lake Paiute Tribe, stated that the Tribe opposes this project and has done so at the Planning Commission meetings; that they are concerned about groundwater, surface water runoff and dust impacts; that the Pyramid Lake Reservation starts at the I-80 off-ramp and it goes northeast on both sides of the freeway; that the Tribe has about 300 homes in the Wadsworth area within 1½ miles of this project; that they have a commercial development, which is 26-acres next to Stampmill; and that there will be additional commercial development in that area, as they are in the process of design right now. He further stated that they are in discussion regarding a regional sewer plant and water system, which is being negotiated with Washoe and Lyon Counties and is part of the Truckee River settlement; that they are proposing to develop an MNI water source from the Wadsworth area and pipe it to Fernley, which would supply both the Wadsworth and Fernley area, and they are planning a regional sewer, which would serve all of the sewer from Painted Rock, including Stampmill and that would remove everyone from septic tanks.

Sandra Wagner, Stampmill resident, submitted for the Board's review several pictures, an article from the July 6, 1999 Reno-Gazette Journal and a letter to the Board from her, and stated that Stampmill residents oppose this project. She further stated that they already get dust from Eagle-Pitcher, which is approximately 8 to 10 miles away; and that if this project is approved, what will stop the developers from coming back later and requesting permission to build concrete and asphalt plants.

Alex Flangas, representing Dunmore Homes (Stampmill Estates), stated that the tentative map, which bonds have been paid on and kept in place have homes abutting the property line. He further stated that the requirements for the special use permits say that general rural does not give you the opportunity to mine; general rural plus a special use permit meeting the findings gives you the opportunity to mine and have an aggregate pit and he read Section 110.810.30 of the Washoe County Development Code. He further stated that none of the comparables referenced by Mr. Perkins, were existing subdivisions with a pit moved in; that they are comparable to a pit where it sits and then the subdivisions creep in; and that the property values are built into the lower value because the pit is there. He advised that the dust control report submitted by the applicant has an incorrect formula in it; and that if there are health concerns, injury to property value, and a potential detriment to the area, then the conditions cannot be met under the special use permit. He requested the Board to uphold the decision of the Planning Commission.

George Thiel, P.E., Thiel Engineering, stated that this area is a wind prone area; that reasonable dust control being exercised and best practical methods does not mean that there will not be any air quality emissions from the site; that calculating the surface area and the amount of loading per acre multiplied will result in tons of uncontrolled dust; and that over a years period there will be up to 2400 tons of dust blowing off this site.

Craig Nagler, Dunmore Homes, stated that he is a licensed California State Real Estate Broker and has been practicing real estate for many years; that he has developed numerous projects in Lyon and Washoe Counties; that they have a valid tentative map for Stampmill Estates, for which they have been filing new bonds and new subdivision maps every two years in accordance with the subdivision map act of the State of Nevada; and that if the special use permit diminishes the value of the property the Board is restrained from approving this project. He further stated that they are working to get this subdivision off of a septic system and onto a sewer system; and that he requests the Board deny this project.

Ken Plechety, Stampmill resident, stated that he sent a letter to the Board last October regarding a fire out in their area in which he told them to review a video made by News Channel 8 of the fire showing the winds out in their area. He further stated that this pit would ruin the Stampmill Estates and urged the Board to deny this project.

Arthur Gillispie, Stampmill resident, stated that mining equipment cannot be moved through the tunnel going to the mine; that the tunnel is 12-feet wide and a loader or dozer would not fit through that tunnel. He further stated that he spoke with Washoe County Parks Department and they are working on putting a park right in the middle of Stampmill; and that he requests the Board deny this project.

There being no one else wishing to speak, Chairman Short closed the public hearing.

Commissioner Galloway stated that he cannot be sure that the property values will not suffer, the air quality matter disturbs him, and he cannot make the findings of no detriment.

Commissioner Shaw stated that regardless of what they put on the sand for dust control, any kind of a breeze is going to create a big problem and he can see a lot of complaints coming in to the Health Department if this project is approved.

Chairman Short inquired how close they would come to the homes in the area with this permit. Mr. Veach responded that if everything went as planned, by the time the permit expired, they would be about 1000 feet from the property line.

Following discussion by the Board, on motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried, with Commissioner Sferrazza absent, Chairman Short ordered that the decision of the Planning Commission be upheld and Special Use Permit Case No. SPW3-12-99 be denied, based upon the following findings:

- 1. **Improvements.** That the access road is not suitable for a commercial - residential mix;
- 2. **Site Suitability.** That the site is not suitable due to the adjoining approved residential development;
- 3. **Issuance Not Detrimental.** That issuance of the permit would be detrimental to the public health, safety or welfare; injurious to the property or improvements of adjacent properties because of uncontrollable dust due to excessive winds in the area, and too many trucks; and
- 4. That the Planning Commissioners gave reasoned consideration to the information contained within the staff report and information received during the meeting.
- 5. The Washoe County Commission gave reasoned consideration to information contained within the reports transmitted to the Washoe County Planning Commission and the Washoe County Commission, and information received during the County Commission public hearing.

MANAGER’S AND COMMISSIONER’S COMMENTS

Mrs. Singlaub stated that the City of Reno would like to schedule joint meetings with the Board on the fiscal study on April 4th and June 6th both at 9:00 a.m. and that they also have a meeting scheduled with the Washoe County Legislative Delegation and they will be provided with a schedule for that.

There being no further business to come before the Board, the meeting adjourned at 9:09 p.m.

TED F. SHORT, Chairman
Washoe County Commission

ATTEST: AMY HARVEY, County Clerk